

OGC HAS REVIEWED.

SECRET

4 May 1951

MEMORANDUM FOR: THE FILES

SUBJECT: Contract Agent

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1. Mr. [] has recently presented an interesting question in regard to the interest of the Government in inventions of a Contract Agent. Subject is under the general category of Contract Agent, although the instrument itself does not specifically indicate that "he is not an employee." The man is performing services abroad for OPC and was not hired to invent. His cover activity, however, is that of an inventor, and since he has produced patentable inventions in the past it is reasonable to assume that he will continue to do so in the future. (At the moment he is receiving royalties under a patent on a robot. The date of invention is not known, but it is assumed that it was made prior to 23 January 1950 and, insofar as Executive Order 10096 is concerned, the question in this regard is moot.)

2. Where the individual is not an employee of the U. S. Government and is not specifically hired to invent, it seems fairly clear from the face of the Executive Order that the Government has no rights. In the case at hand, although the person does not have employee status and was not specifically hired to invent, the preservation of his cover requires a continuance of his inventive activities, and although payments made to him under the agreement are presumably quid pro quo for his services to OPC in a noninventive capacity, nevertheless the existence of his inventive activities must depend in some incalculable degree on payments from the U. S. Government. This does not appear to be a type of situation anticipated by Executive Order 10096. However, the matter should be brought to the attention of the CIA Committee and possibly the Government Patents Board.

3. Aside from the fact that the Government may have some vested interest in the inventions of this person by reason of his employment relationship with the Government, we should certainly have first call upon any invention that may be of benefit to the national defense, and for that reason should be controlled by secrecy order.

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Contract Effective
15 Dec. 1949
Renewed 15 Dec. 1950.

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